Court No.3

Criminal Misc. Transfer Application No. 14 of 2002

Resham Singh …..Petitioner.

Vs.

Santosh Singh and others …. Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Jagtar Singh learned counsel for the petitioner and learned A.G.A.

This is a petition under section 407 of the Code of Criminal Procedure for transfer of the Sessions Trial No. 9/ 1999 from the District Udham Singh Nagar to any other District.

The ground taken is that the respondents who are the accused have committed cognizable offences after the occurrence of the instant sessions trial and that the informant-petitioner Resham Singh whose son was murdered fears that he may also be eliminated by the respondents-accused. From the address given in the affidavit of the petitioner it is evident that he continued to reside within the jurisdiction of Sessions Judge at Udham Singh Nagar and if the sessions trail is transferred to any other district it will create more trouble for the petitioner. In fact he is more safe within the District of Udham Singh Nagar and can easily reach the court there for the proceedings in the sessions trial as compared to the proceedings to be taken in other District of the State. Considering this there is no merit in this petition and the same is hereby dismissed. The stay order dated 26-8-2002 is vacated.

(Irshad Hussain, J.)

Dated: 9-9-2003

ISB